

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE: §
§
HOT CRETE, LLC, § Case No. 24-10303-smr
§
Debtor. § Chapter 11
§

DEBTOR'S AMENDED MOTION TO ESTABLISH CLAIMS BAR DATE

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

COMES NOW Hot Crete, LLC (the “Debtor” or “Hot Crete”) the Debtor in the above-captioned Chapter 11 Bankruptcy Case, and files this *Amended Motion to Establish Claims Bar Date* (the “Amended Motion”). In support of the Amended Motion, Debtors respectfully state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Amended Motion under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §157. Venue is proper in this court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The authority for the relief requested herein are sections 105(a), 502(b)(9), 1107(a), and 1108 of the Bankruptcy Code, and Rules 2002(f)(3), 3002, and 3003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. The Debtor filed a voluntary petition under Chapter 11, Title 11, of the United States Bankruptcy Code on March 22, 2024, in the United States Bankruptcy Court for the Western District of Texas, Austin Division (the “Court”).

4. On March 26, 2024, the Court filed a Notice of Chapter 11 Bankruptcy Case (Docket No. 5), which did not set the claims bar dates for its creditors or a governmental unit.

5. On July 30, 2024, the Debtor filed its first amended creditor matrix (the “Amended Creditor Matrix”), including over 200 newly added and modified creditor addresses (Docket No. 78).

RELIEF REQUESTED

6. Debtor seeks to establish a deadline for all creditors in this case to file proofs of claim. To the extent any creditors listed on the original mailing matrices did not receive proper notice, Debtor seeks to give all creditors on the Amended Creditor Matrix a final chance to file a proof of claim. Debtor requests that the Court enter an Order establishing the claims bar date forty-five (45) days after entry of the Order (the “Bar Date Order”), attached as the proposed order.

7. Therefore, Debtor respectfully requests that the Court enter the Bar Date Order for creditors and governmental units to file proofs of claim.

8. Debtor further requests that the Court authorize the Debtor to provide notice of the bar dates once the Bar Date Order has been granted.

9. Debtor proposes the following exceptions to the requirement for creditors to file a proof of claim (collectively, the “Excluded Claims”):

(a) Any pre-petition claim for which a proof of claim against one or more of the Debtor utilizing the claim form which substantially conforms to the Official

Bankruptcy Proof of Claim Form (Form B410) has already been properly filed with the Clerk of the Court;

- (b) Any pre-petition claim of a person or entity (i) whose claim or interest is listed on one or more of the Debtor's schedules; (ii) is not described in such Schedules as "disputed," "contingent," or "unliquidated"; and (iii) who does not dispute the amount, priority, status, or nature of such pre-petition claim or interest as set forth in the Schedules;
- (c) Any pre-petition claim or interest to the extent that such pre-petition claim or interest has been paid by the Debtor with the authorization of the Court; and
- (d) Any pre-petition claim or interest that has been fixed and allowed by an order of this Court entered on or before any bar date established pursuant to this Amended Motion.

10. Debtor believes that the parties noted below, unless considered Excluded Claims, are entitled to notice of the bar dates established herein under Rule 2002 of the Bankruptcy Rules. Debtor is prepared to provide this notice and request authority of this Court to provide such notice. The Debtor proposes to provide actual notice of the bar dates by mailing the Notice of Bar Dates via United States First Class Mail, substantially in the form attached hereto as **Exhibit A**, together with the Official Bankruptcy Proof of Claim Form (Form B410), to the following, unless such party is an Excluded Claim as described above:

- a. The Office of the United States Trustee;
- b. Any holders of pre-petition claims listed on the Schedules at the addresses stated therein;
- c. Any party to an executory contract or unexpired lease with the Debtor;
- d. Any party listed on the mailing matrix;
- e. All persons and entities requesting notice, pursuant to Bankruptcy Rule 2002; and
- f. The district director of the Internal Revenue Service for the Western District of Texas, and all taxing authorities for the jurisdictions in which the Debtor conducts business.

11. Notwithstanding the foregoing, if the Debtor amends its schedules, the Debtor shall mail notice of such amendment to the holder(s) of the claims affected thereby ("Amended Notice") and such holder(s) shall be afforded the later of the established bar dates or twenty days

from the date on which the Amended Notice is mailed (or such other time fixed by the Court), to file proofs of claim, if necessary, or be forever barred from doing so.

WHEREFORE, Debtor respectfully requests that the court enter an Order: (1) establishing a claims bar date for all creditors, including the newly added and modified creditors, to file proofs of claim; (2) authorizing the Debtor to provide notice of the bar dates established; and (3) granting such other and further relief as may be just and proper.

Dated: August 2, 2024

Respectfully submitted,

Hayward PLLC

/s/ Todd Headden
Todd Headden
Texas State Bar No. 24096285
7600 Burnet Road, Suite 530
Austin, Texas 78757
(737) 881-7104 (Phone/Fax)
theadden@haywardfirm.com

Counsel for Hot Crete, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2024, a true and correct copy of the foregoing was served via CM/ECF to all parties requesting such service. Additionally, within one business day thereof, the foregoing without Exhibit A was served via United States First Class Mail to the parties on the attached creditors matrix.

/s/ Todd Headden
Todd Headden

Label Matrix for local noticing

Hot Crete LLC 17

U.S. BANKRUPTCY COURT

0542-1

2010 Brushy Creek Road

903 SAN JACINTO, SUITE 322

Case 24-10303-smr

Unit A

AUSTIN, TX 78701-2450

Western District of Texas

Cedar Park, TX 78613-3904

Austin

Thu Aug 1 18:23:30 CDT 2024

AT&T Bankruptcy Center
2270 Lakeside Blvd., 7th Floor
Richardson, TX 75082-4304Aaron Crain
1904 Platte Pass
Austin, TX 78734-3319Aaron Hargrove and Katy Hargrove
108 Oak Hill Dr.
Liberty Hill, TX 78642-2010Adrian P. Senyszyn
1826 North Loop 1604 West
Suite 300
San Antonio, TX 78248-4533Adrian Silva & Francis Silva
c/o Shannon E. Loyd
The Loyd Law Firm, PLLC
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493Alan 'AJ' E. Miller, Jr.
206 Tavish Trail
Austin, TX 78738-1133Almanza, Blackburn, Dickie & Mitchell LLP
c/o Joshua Crowley, Esq.
3201 S. Capital of Texas Highway, Buildi
Austin, TX 78746Amerisure Insurance Company
Attn: Brad Cox
2677 Halsted Rd
Farmington, MI 48331Amerisure Insurance Company
Attn: Brian Wilsher
P.O. Box 1515
Canonsburg, PA 15317-4515Andrea Bergquist & John Bergquist
12200 Montclair Bend
Austin, TX 78732-1229Andrew Kreiling and Teri Kreiling
1357 Jacksdaw Drive
Austin, Texas 78737-4484Angela Smith and Charles Smith
101 Rambling Brook Ct
Georgetown, TX 78628-1916Ansar Chmeis
16708 Eider Cove
Austin, TX 78738-4096Anthony Hidalgo
2700 Council Springs Cove
Leander, TX 78641-4444Anthony and Katherine Hidalgo
2700 Council Springs Cove
Leander, Texas 78641-4444Arcosa Aggregates Texas, LLC
PO Box 911205
Dallas, TX 75373-1205Arcosa Aggregates, Inc.
Attn: Legal Dept.
500 N Akard St., Suite 400
Dallas, TX 75201-3332Arcosa Material, Inc.
1112 E Copeland, Ste. 500
Arlington, TX 76011-9805Arlette Pena
11621 Jackson Falls Way
Manor, TX 78653-2133(p)ASCENTIUM CAPITAL
ATTN BANKRUPTCY
23970 US 59 NORTH
KINGWOOD TX 77339-1535Austin Travis Williams and Erica Hughes
801 County Rd. 200A
Burnet, TX 78611-6217Baird Services, LLC
15029 Cabrillo Way
Austin, TX 78738-4169Baird Services, LLC
d/b/a Premier Pools and Spas
421 N IH 35 Service Rd
Georgetown, TX 78628Barnett & Garcia
Attn: Matias Eduardo Garcia
3821 Juniper Trace, Suite 108
Austin, TX 78738-5514Barney Clark
4232 Hannover Way
Georgetown, TX 78628Barrett Daffin Frappier Turner & Engel, LLP
Attn: Robert D. Forster, II
4004 Belt Line Road, Suite 100
Addison, TX 75001-4320Beard Kultgen Brophy
Bostwick & Dickson, PLLC
Attn: Mark Firmin
220 South Fourth St.
Waco, TX 76701-2225

24-10303-smr Doc#90 Filed 08/02/24 Entered 08/02/24 13:05:23 Main Document Pg 6 of
Berman Residential Pool
10713 Superview Dr
Austin, TX 78736-2408
Beth Howen and Steve Howen
17
409 Unity Dr
Leander, TX 78641-2761
Blair Nicholson and Kristi Nicholson
4001 Co Rd 201
Liberty Hill, TX 78642

Brad Wheeler
902 Crestone Stream
Austin, TX 78738-6983

Brad Young and Dana Young
213 Trick Pony
Liberty Hill, TX 78642-2333

Brandon Ayers & Kate Hainesworth
1103 Fieldcrest
Austin, Texas 78704-5341

Brenda Hermanson and Alan Hermanson
722 Clear Cove Drive
Granite Shoals, TX 78654-2608

Brian Salek
24108 Colorado Canyon Dr.
Marble Falls, TX 78654

Briggle & Polan, PLLC
1609 Shoal Creek Blvd., Suite 301
Austin, TX 78701-1064

Brittany and Darryl Dadon
2604 E. 6th St.
Austin, TX 78702-3935

Broadway Bank, Successor Trustee of the LeGa
111 Chaparral Drive
Marble Falls, TX 78654-9774

Brock Anderson
327 Country Creek Road
Austin, TX 78737-4629

Bryan Orsborn
516 Loyal June Trail
Leander, TX 78641-4234

Bryan and Sherri Feeser
205 Miracle Rose Way
Liberty Hill, TX 78642-4482

Brytne Kitchin
4508 Oakmont Blvd
Austin, TX 78731-5926

CEMEX Construction Materials South, LLC
10100 Katy Freeway, Ste 300
Houston, TX 77043-5267

CHANAS AGGREGATES, LLC
7850 E. State Hwy. 29
Llano, TX 78643-3836

CRF Solutions
2051 Royal Ave.
Simi Valley, CA 93065-4621

Cain & Skarnulis PLLC
Attn: Michael Moody
303 Colorado Street, Suite 2850
Austin, TX 78701-0137

Camden Markley
686 County Road 261
Georgetown, TX 78633-6675

Cameron and Julie Treece
1900 Forest Meadow Cove
Round Rock, TX 78665-5614

Camila Bauer
10960 RM 2338
Florence, TX 76527-4890

Capital One N.A.
by American InfoSource as agent
4515 N Santa Fe Ave
Oklahoma City OK 73118-7901

Capital One N.A.
by American InfoSource as agent
PO Box 71083
Charlotte, NC 28272-1083

Capital One Spark Business
P.O. Box 60519
City of Industry, CA 91716-0519

Cara McElberry and Ryan McElberry
20211 Cordil Ln
Spicewood, TX 78669-6549

Caronna Residential Pool
219 Peck Street
Kyle, TX 78640-4253

Carrie Ellerbe
100 Trick Pony
Liberty Hill, TX 78642-2332

Central TX Mobility Authority Customer Servi
12719 Burnet Road
Austin, TX 78727-4207

Central TX Mobility Authority Customer Servi
2420 Ridgepoint Drive
Austin, TX 78754-5205

Chris Earp
19213 Burrowbridge Rd.
Pflugerville, TX 78660-4664

Chris Fulbright
1806 Floresta Dr.
Cedar Park, TX 78613-7956

Chris Schneller
1916 E.M Franklin Ave.
Austin, TX 78723-5800

Chris Woodburn
7301 Davenport Divide Road
Austin, TX 78738-2127

Christopher Fontenot & Ashley Fontenot
147 Blackstone Cove
Driftwood, TX 78619-4463

Cindy Hammes
1706 Mohle
Austin, TX 78703-1812

Cody Pools, Inc.
101 E. Old Settlers Blvd., Suite 200
Round Rock, TX 78664-2266

Cody Pools, Inc.
701 Brazos, Suite 1050
Austin, TX 78701-3232

Cody Pools, Inc.
c/o Frank B. Lyon
PO Box 50210
Austin, TX 78763-0210

Cody Pools, Inc.
c/o John P. Ferguson
Ferguson Law Practice, PLLC
1017 RR 620 S, Ste. 222
Austin, TX 78734-5628

Cole Strawbridge
601 Bayou Bend Drive
Buda, TX 78610-2784

Commercial Collectors, Inc.
Attn: Laura Staley
P.O. Box 337
Montrose, MN 55363-0337

Commercial Collectors, Inc.
P.O. Box 337
Montrose, MN 55363-0337

Comptroller of Public Accounts
C/O Office of the Attorney General
Bankruptcy - Collections Division MC-008
PO Box 12548
Austin TX 78711-2548

Concert Specialty Insurance Company
1701 Golf Road, Suite 1-1110
Rolling Meadows, IL 60008-4244

Continental Insurance Company
P.O. Box 8317
Chicago, IL 60680-8317

Corey Freeman & Megan Freeman
2705 Rain Song Dr.
Leander, TX 78641-4998

Corey Nihlean
2402 Sunset Vista Cir
Spicewood, TX 78669-2094

Correa Residential Pool
4001 Arrow Wood Rd
Cedar Park, TX 78613-7681

Custard Insurance Adjusters, Inc.
Attn: George Taylor
2101 S IH 35
Suite 212
Austin, TX 78741-3874

Daniel Rose
3520 Cavu Rd
Georgetown, TX 78628-1767

Danuzio Pinheiro & Marta Pinheiro
3809 Campfire Dr.
Cedar Park, TX 78613-7716

Daron Lindemann & Cara Lindemann
20305 Great Egret Ln
Pflugerville, TX 78660-1910

Darrin McPherson
2621 Auburn Chestnut Ln
Pflugerville, TX 78660-3995

Dave and Shiella Morris
3329 Vasquez Place
Round Rock, TX 78665-2172

David Lambert & Cheryl Lambert
2805 San Milan Pass
Round Rock, TX 78665-3956

David Nation
7328 Tanaqua Ln
Austin, TX 78739-2035

David Nicholas Verell & Amanda Verell

David Nicholas Verell & Amanda Verell

David Zahur

200 Flintlock Drive

c/o Noel L Stout

207 San Siro Cove

Leander, TX 78641-2766

Almanza Blackburn Dickie & Mitchell

Lakeway, TX 78738-6152

2301 S Capital of Texas Highway

Austin TX 78746-7701

Dean Jacobs and Joy Jacobs

Derk Maidlow

Diego Suarez and Laurie Lara

715 Farm Rd 1690

30140 Twin Creek Drive

5060 Savio Dr

Gatesville, TX 76528

Georgetown, TX 78626-1522

Round Rock, TX 78665-2176

Diego Suarez and Laurie Lara

Diego and Elaine Suarez

Dominic Van

c/o National Fire Insurance Company of H

11589 Mesa Verde Dr

12912 Armaga Springs Rd

Attn: Belinda Walker

Austin, TX 78737-4874

Austin, TX 78727-3454

P.O. Box 2469

BREA, CA 92822

Dominic Van

Donn Wurts

Donna Christy

c/o Michael E. Lovins

16912 Broomweed Cove

1745 Liguria Court

1301 S. Capital of Texas

Austin, TX 78738-4086

Volente, TX 78641-3892

Building A, Suite 136

Austin, TX 78746-6574

Doron Yitzchaki

Dorsett Johnson & Cisneros

Dow Reid & Dotty Luzzo

Dickinson Wright PLLC

Attn: Charles Robert Dorsett, Jr.

1409 Laurel Glen Blvd.

350 South Main Street, Suite 300

3503 Wild Cherry Drive, Building 6

Leander, Texas 78641-2924

Ann Arbor, MI 48104-2131

Austin, TX 78738-1822

Dow Ried and Dotty Luzzo

Duane Ewing

Dwayne Simmons

1409 Laurel Glen Blvd

2541 Ambush Canyon

13845 Fallsprings Way

Leander, TX 78641-2924

Leander, TX 78641-9042

Manor, TX 78653-3951

Edgar Castro

Edward & Skhai Carson

Edward Brooks

6650 CR 200

308 Potts Street

1103 Hi Fault

Liberty Hill, TX 78642-3725

Georgetown, TX 78628-2210

Horseshoe Bay, TX 78657-6343

Edward Carson and Skhai Carson

Edward Gahr & Christy Gahr

Edward Weltens

308 Potts St

5800 Shoalwood Avenue

2616 Melekhin Bend

Georgetown, TX 78628-2210

Austin, TX 78756-1124

Cedar Park, TX 78613-1617

Ellen Angell and Jayson Angell

Eric & Mallory Rodriguez

Eric Borchers

107 Lazy Creek Dr

7314 Loggia Place

3613 Del Payne Lane

Georgetown, TX 78628-1917

Round Rock, TX 78665-2275

Pflugerville, Texas 78660-4288

Eryka Rogers

Esteban Gutierrez & Larisa Gutierrez

Express Materials Services, LLC

8601 Rollins Dr

c/o Shannon E. Loyd

556 S HWY-95

Austin, TX 78738-7676

The Loyd Law Firm, PLLC

Elgin, TN 78621

12703 Spectrum Drive, Suite 201

San Antonio, TX 78249-3493

Federated Reserve Insurance Company
121 East Park Square
Owatonna, MN 55060-3046

Fielder Custom Pools, LLC
2500 County Road 403
Marble Falls, TX 78654-8664

Fleetistics
15310 Amberly Dr., Suite 250
Tampa, FL 33647-1642

Fleetistics
1936 Bruce B Downs Blvd. #505
Wesley Chapel, FL 33544-9262

Frank B. Lyon
PO Box 50210
Austin, TX 78763-0210

Frank Wong
8608 Dark Shadow
Austin, TX 78749-5226

Frankie Hoch
301 Millington Ln
Buda TX 78610-2911

Frankie and Teresa Camacho
801 Cottonbowl Dr
Taylor, TX 76574-5116

Frost Bank
111 W. Houston St. 111 W.
San Antonio, TX 78205-2112

Frost Bank
La Frontera Financial Center
P.O. Box 1600
San Antonio, TX 78296-1600

Frost Bank
c/o Frost Leasing
3838 Rogers Road
San Antonio, TX 78251-3662

Frost Bank
c/o Leslie M. Luttrell
Luttrell + Carmody Law Group
100 NE Loop 410, Suite 615
San Antonio, TX 78216-4713

Frost Bank c/o Jessica A. Henry
Luttrell + Carmody Law Group
100 NE Loop 410, Ste. 615
San Antonio, TX 78216-4713

Frost Bank c/o Morris E. Trey White III
Luttrell + Carmody Law Group
100 NE Loop 410, Ste. 615
San Antonio, TX 78216-4713

George Baker
308 Duckhorn Pass
Austin, TX 78738-6980

Gerstle Snelson, LLP
Attn: Michael Gerstle, Esq.
3508 Far West Boulevard, Suite 350
Austin, TX 78731-2281

Gerstle Snelson, LLP
Attn: Michael Gerstle, Esq.
4849 Greenville Avenue, Suite 1500
Dallas, TX 75206-4147

Gina Van Zandt & Donovan Van Zandt
22005 Plockton Dr.
Briarcliff, TX 78669-2315

Gingell
845 Jacksdaw Drive
Austin, TX 78737-4470

Glenn Hall
850 Moss Rose Ln
Driftwood, TX 78619-5736

Google LLC
1600 Amphitheatre Pkwy
Mountain View, CA 94043-1351

Gordon Reina
715 White Trail Drive
Round Rock, TX 78681-2064

Gottfried Alexander Law Firm
Attn: David M. Gottfried
1505 W 6th St.
Austin, TX 78703-5133

Grant Harris
4807 Westfield Dr
Austin, TX 78731-5537

Grayson Hopper
20102 Clare Island
Pflugerville, TX 78660

H&H Tile and Plaster of Austin LTD, LP
c/o H&H Texas Management, LLC
31840 Ranch Rd 12
Dripping Springs, TX 78620-4097

Hallam Residential Pool Project
1905 Hallam Drive
Austin, Texas 78746-2243

Hillard Dozer, LP
12495 Reeds Lake Loop
Temple, TX 76501-7515

IES Holdings, Inc.
133 Bear Paw Run
Georgetown, TX 78628-2185

IES Residential, Inc.
13131 Dairy Ashford Road, Suite 700
Sugar Land, TX 77478-4398

(p) IPFS CORPORATION
30 MONTGOMERY STREET
SUITE 1000
JERSEY CITY NJ 07302-3836

Indeed, Inc.
200 West 6th Street, Floor 36
Austin, TX 78701-3161

Internal Revenue Service
Centralized Insolvency Office
P.O. Box 7346
Philadelphia, PA 19101-7346

James Gatlin
520 Woodside Terrace
Lakeway, TX 78738-1250

James Murdock
Brad Wheeler
Jason Nichol
c/o Trip Nix, Holland & Knight
100 Congress Ave #1800, Austin TX 7

James Murdock & Jessica Murdock
724 Buffalo Trail
Liberty Hill, TX 78642-3591

James Ryann
18308 Ranchland Hills Vista
Jonestown, TX 78645-4688

James Todd Green
407 Doe Whisper Way
Austin, TX 78738-7085

James Todd Green
Dorsett Johnson & Cisneros
3503 Wild Cherry Dr.
Bldg. 6
Austin, TX 78738-1822

James Todd Green
c/o Charles Robert Dorsett, Jr.
Dorsett Johnson & Cisneros
3503 Wild Cherry Drive, Building 6
Austin, TX 78738-1822

Janell Gregerson
1611 Elkins Lane
Cedar Park, TX 78613-4173

Janell Gregerson
Lovins Trosclair PLLC
1301 S Capital of Texas Hwy.
Building A, Suite 136
Austin, TX 78746-6574

Jason Cooke and Anna Cooke
3500 Branch Hollow
Leander, TX 78641-3217

Jason Khawaja
124 Pear Tree Ln
Austin, TX 78737-1706

Jason Nicol and Brooke Nichol
c/o Shannon E. Loyd, Esq.
The Loyd Law Firm, PLLC
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493

Jed Swan and Tiffany Swan
1101 Bit Ln
Cedar Park, TX 78613-1486

Jed Villa
1604 Cresson Trail
Leander, TX 78641-2889

Jeff Tea
317 Kirkhill St.
Hutto, TX 78634-5726

Jeff Theis
8709 Ambrosia Dr
Austin, TX 78738-4089

Jeffry Colton 'Colt' Tucker
Law Office of J. Colt Tucker, PLLC
1811 W. Park Row Drive
Arlington, TX 76013-3505

Jennifer Johnson
504 Lodge Court
Liberty Hill, TX 78642-2173

Jennifer Johnson
c/o Lovins Trosclair PLLC
Attn: Michael Lovins, Esq.
1301 S Capital of Texas Hwy.
Building A, Suite 136
Austin, TX 78746-6548

Jensen
104 Marbella Way
Georgetown, TX 78633-4636

Jeremy Spicer & Elizabeth Spicer
16401 Big Oak Circle
Leander, TX 78641-9002

24-10303-smr Doc#90 Filed 08/02/24 Entered 08/02/24 13:05:23 Main Document Pg 11 of 17
Jeremy Spicer & Elizabeth Spicer
c/o David M. Gottfried
Gottfried Alexander Law Firm
1505 W 6th St.
Austin, TX 78703-5133

Jeremy Spicer & Elizabeth Spicer
c/o Michael P. Ridulfo
5151 San Felipe #800
Houston TX 77056-3627

Jeronimo Jaimes
2221 Drue Ln
Cedar Park, TX 78613-1704

Jesse and Kathy Eckard
5706 Como Cove
Round Rock, TX 78665-4409

Jessica Alt
Padfield & Stout, LLC
420 Throckmorton St, Ste 1210
Fort Worth, TX 76102-3792

Jessica Myers
704 Rock Midden Ln
Round Rock, TX 78665-1220

Jillian Marsh
1000 Barrie Dr
Austin, TX 78734-6272

Jim Bechtol
23305 Windy Valley Rd
Leander, TX 78641-7718

Jim Pohoski
318 Bisset Ct
Austin, TX 78738-1008

John Bretz
1816 Treadwell St
Austin, TX 78704-2148

John Henderson
1604 Parke Bluff Bend
Cedar Park, TX 78613-3187

Johnson Residential Pool
324 Creek Crossing Dr
Georgetown, TX 78628-1903

Jon Anderson
1805 Stinnett Drive
Leander, TX 78641-4473

Jon Michael Smith, Esq.
3305 Northland Drive, Suite 500
Austin, TX 78731-4991

Jon Samuelson
2501 Rockingham Dr
Austin, TX 78704-3810

Jordan McDonald
6713 Taomina Dr
Austin, TX 78739-1600

Jordan and Bethany Elbers
1512 Hidden Springs Path
Round Rock, TX 78665-5029

Jorge Limones
800 East Olympic Drive
Pflugerville, TX 78660-8021

Juan Flores
19801 Chayton Circle
Pflugerville, TX 78660-6293

Judd Gauger
7200 Covered Bridge Dr
Austin, TX 78736-3344

Justin Fischer
c/o Lovins Trosclair PLLC
1301 S Capital of Texas Hwy.
Building A, Suite 136
Austin, TX 78746-6574

Justin Fisher
2200 Airport Drive
Leander, TX 78641-4322

Justin Hawkins
414 Mercer Falls Rd
Lakeway, TX 78738-4431

Justin and Brittany Burdette
400 Hyltin Street
Hutto, TX 78634-5447

Kahana
Feld
Attn: Ronald Max Raydon
One Greenway Plaza, Ste. 350
Houston, TX 77046-0124

Kasey Van Daley & Shelby Van Daley
128 Canyon Lake Ln
Georgetown, TX 78628-2115

Kelly Marco & Aaron Marco
2216 Legend Trail
Leander, TX 78641-2239

Kendall Harvey and Kyle Harvey
15401 Bat Hawk Circle
Austin, TX 78738-6865

Kevin Smith and Adrianna Smith
199 Colca Cove
Austin, TX 78738-4409

Kevin White & Tanya White
8501 Kelly Cove
Lago Vista, TX 78645-4664

Kevin Wilson
c/o Spouse Law Firm
901 Mopac Expwy South
Bldg 1, Ste 300
Austin, TX 78746-5883

Kimberly Mills & Edward Mills
12404 Wire Road
Leander, TX 78641-4004

Kinsale Insurance
Attn: Doug Dubois
2035 Maywill Street, Suite 100
Richmond, VA 23230-3215

Korytkowski Residential Pool
1205 Morse Cve
Georgetown, TX 78628-3164

Laura Kinto
15900 Fontaine Ave
Austin, TX 78734-2642

Law Firm of M. Matthew Williams, PLLC
Attn: M. Matthew Williams
248 Addie Roy Road, Suite B204
Austin, TX 78746-4133

Law Office of Jason C. Spencer
c/o Jason Clay Spencer
15104 Crosscreek Drive
Austin, TX 78737-8908

Law Office of Nicholas Bressi
P.O. Box 162193
Austin, TX 78716-2193

Lee Mitchell & Julie Califano
145 Silkstone Street
Hutto, TX 78634-5687

Lee Mitchell & Julie Califano
c/o Shannon E. Loyd
The Loyd Law Firm, PLLC
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493

Leonard Moore
3105 Pecan Crest Cove
Round Rock, TX 78681-2191

Liberty Hill Truck Service
12830 TX-29
Liberty Hill, TX 78642

Lilian G. Rodrguez-Prado
& Johnny R. Mendez-Pinto
356 Blue Sage Drive
Leander, TX 78641-4290

Louis Hirsch
1313 Estates Drive
Woodway, TX 76712-2219

Lovein Ribman, P.C.
1225 S Main St., Ste. 20
Grapevine, TX 76051-5585

Lovins Trosclair PLLC
Attn: Michael Lovins
1301 S Capital of Texas Hwy.
Building A, Suite 136
Austin, TX 78746-6548

Lucky Charm Homes, LLC
1605 Brackenridge St.
Austin, TX 78704-3511

Maggie Richardson and Trevor Richardson
6020 Seville Dr
Austin, TX 78724-6199

Mallory Stover
2650 CR 45
Thrall, TX 76578

Marcus McSpadden and Nikki McSpadden
1512 Pinot Noir Street
Leander, TX 78641-2783

Mario & Tina Barrett
5016 Placid Pl.
Austin, TX 78731-5018

Mario Barrett
5016 Placid Pl
Austin, TX 78731-5018

Martin Marietta Materials, Inc.
PO BOX 677061
Dallas, TX 75267-7061

Marvin Elzey
117 Stallion Way
Liberty Hill, TX 78642-5530

Matt Fowler
2825 San Milan Pass
Round Rock, TX 78665-3956

Matt Hefner & Erin Hefner
1320 Nightingale Dr
Cedar Park, TX 78613-5101

Matt Janiga
9408 Queenswood
Austin, TX 78748-5909

Matt McMurray
18604 Wheelock Ct
Austin, TX 78738-4157

Matthew Wensing
609 Apache Drive
Cedar Park, TX 78613-4925

McGinnis Law
Attn: Austin L. Jones
1111 W. 6th St., Bldg. B, Ste. 400
Austin, TX 78703-5345

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Melissa Jordan & Nick Russell
204 Scone Drive
Spicewood, TX 78669-2075
Meri and Justin Krause
140 Hy Road
Buda, TX 78610-9539
Metcalfe Law, PLLC
Attn: Sally S. Metcalfe
901 S Mopac Expy., Ste. 300
Austin, TX 78746-5883

Michael E. Lovins
Lovins Law
1301 S. Capital of Texas Hwy.
Building A, Suite 136
Austin, TX 78746-6574

Milne Residential Pool
2005 Cotton Farm Trl
Leander, TX 78641-4240

Morgan Mills
3002 Rivercrest Dr
Austin, TX 78746-1712

Motive
55 Hawthorne St #400
San Francisco, CA 94105-3910

Motive
55 Hawthorne Street, Suite #400
San Francisco, CA 94105-3910

Nadim & Elizabeth Elias
616 Furlong Drive
Austin, TX 78746-4126

Nancy Benevidas
612 South Lynnwood Trail
Cedar Park, TX 78613-3244

North Mill Credit Trust
601 Merritt 7
Suite 5
Norwalk, CT 06851-1097

North Mill Credit Trust
c/o Christopher V. Arisco
Padfield & Stout, LLP
100 Throckmorton St., Suite 700
Fort Worth, Texas 76102-2837

North Mill Credit Trust
c/o Ivan Escobar
Padfield & Stout, LLP
100 Throckmorton St., Suite 700
Fort Worth, Texas 76102-2837

North Mill Credit Trust
c/o Jessica N. Alt
Padfield & Stout, LLP
100 Throckmorton St., Suite 700
Fort Worth, Texas 76102-2837

North Mill Equipment Finance
601 Merritt 7 #5
Nowalk, CT 06851-1097

Omega CM Delta, LLC dba Omega Concrete Mixer
5465 Mills Civic Parkway, Suite 400
West Des Moines, IA 50266-5321

Omnia Outdoors, LLC
c/o Doron Yitzchaki, Esq.
Dickinson Wright PLLC
350 S. Main Street, Suite 300
Ann Arbor, MI 48104-2131

Oscar Carreon
201 Lollipop Ln
Cedar Park, TX 78613-3262

PMA Companies
P.O. Box 5231
Janesville, WI 53547-5231

Pacific Adjusting & Claim Services, LLC
Attn: Gustavo Lopez
P.O. Box 2516
Cypress, CA 90630-1216

Paradise Hill County Enterprises, LLC
Attn: Brittany L. Fletcher, Registered Ag
7451 W FM 243
Bertram, TX 78605-4038

Partners Capital Group, Inc.
201 Sandpointe Ave, Suite 500
Santa Ana, CA 92707-8716

Partners Capital Group, Inc.
20700 44th Avenue West, Suite 630
Lynnwood, WA 98036-7289

Pat & Nancy Napolitano
3606 Arrowhead Cir
Round Rock, TX 78681-1703

Patrick Johnson
917 Calithea Rd
West Lake Hills, TX 78746-2715

Patschke Residential Pool
114 Colthorpe Ln
Hutto, TX 78634-3352

Paul Medeiros
18212 Wind Valley Way
Pflugerville, TX 78660-4083

(p)PENN CREDIT CORPORATION
PO BOX 69703
HARRISBURG PA 17106-9703

Phil Traina
117 Ruffino Lane
Georgetown, TX 78628-7239

Phil Traina
c/o Pierce P. MacGuire
MacGuire Law, PLLC
609 W 15th St
Georgetown, TX 78626-6613

Pools by Blue Haven, Inc.
Attn: Corley H. Atwood, Esq.
7575 North Loop 1604 West
San Antonio, TX 78249-2969

Pools by Blue Haven, Inc.
c/o Corley H. Atwood
715 Discovery Blvd., Ste 115
Cedar Park, TX 78613-2295

Porter, Rogers, Dahlman & Gordon, P.C.
Attn: Marc Williams, Esq. & Brandon Coon
745 East Mulberry, Suite 450
San Antonio, TX 78212-3152

Portillo Residential Pool
16701 Poppy Mallow Dr
Austin, TX 78738-4088

Premier ATX Industries, LLC d/b/a Premier Po
Attn: John Curl, Registered Agent
3450 County Road 255
Georgetown, TX 78633-4098

Primary Source Insurance Agency, Inc.
121 East Park Square
Owatonna, MN 55060-3046

Rachel and Ben Mouton
1228 Heppner Dr.
Cedar Park, TX 78613-5139

Rafael Collazo and Eileen Collazo
20920 Havant Way
Pflugerville, TX 78660-6550

Randy Patterson
11520 Lake Stone Dr.
Bee Cave, TX 78738-5579

Randy and Natalie Egan
c/o Shannon E. Loyd, Esq.
The Loyd Law Firm, PLLC
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493

Real Steel Gunite Reinforcement
5703 Purple Sage Dr.
Austin, TX 78724-3442

Reddy Residential Pool
112 Westfield Dr
Georgetown, TX 78628-7195

Regions Bank d/b/a Ascentium Capital
23870 US 59 North
Kingwood, TX 77339

Resident
2716 Geraghty Ave
Austin, TX 78757-2330

Resident
4012 Valley View Road
Building 1, Unit B
Austin, TX 78704-8194

Richard Bright
18025 Ranchland Hills Vista
Jonestown, TX 78645-4648

Riviera Residential Pool
20600 Fruit Doe Cv.
Pflugerville, TX 78660-1751

Robert Wrestler & Paula Wrestler
2809 Barley Field Pass
Pflugerville, TX 78660-3578

Rodney Bustamante
9610 Braeburn Glen
Austin, TX 78729-2709

Rodriguez Big R Pool & Construction, LLC
Attn: Ignacio Rodriguez
9806 Vikki Terrace
Austin, TX 78736

Rogers Residential Pool
8601 Rollins Drive
Austin, TX 78738-7676

Rose Wheeler
c/o Chamberlain Hrdlicka
Attn: Bankruptcy Department
1200 Smith Street, Suite 1400
Houston, TX 77002-4496

Rowena Hernandez
19620 Summit Glory Trail #4
Spicewood, TX 78669-2046

Ryan Black
3500 Dry Brook Crossing
Pflugerville, TX 78660-5581

Sam Oshinsky
2901 Oak Crest Ave
Austin, TX 78704-6227

Sanchine Patel and Roopal Patel
1816 Harvest Dance Drive
Leander, TX 78641-3704

Schumann Residential Pool
1306 Roaring Fork
Leander, TX 78641-3650

Scott Booth
14119 Fort Smith Trail
Austin, TX 78734-3707

Scott Garrick and Laura Garrick
17
424 Treasure Peak Pass
Austin, TX 78738-7168

Scott Residential Pool
127 Cumberland Dr
Belton, TX 76513-6110

Selby Residential Pool
204 Trick Pony
Liberty Hill, TX 78642-2333

Servando Rivas and Darrell Minton
Dorsett Johnson & Cisneros
3503 Wild Cherry Dr.
Bldg. 6
Austin, TX 78738-1822

Seth Goldberg and Stefanie Goldberg
312 Parke Wind Way
Cedar Park, TX 78613-3191

Shaun Lee
4145 Novella Cv
Leander, TX 78641-3533

Sherry Bear & Kyle Dickerson
184 Dos Lagos Drive
Dripping Springs, TX 78620-4858

Southpaw Pools, Inc.
200 County Road 228
Florence, TX 76527-4930

Spark Root Construction, LLC
6700 Bridge Root Cove
Austin, TX 78746

Stacy Kelly
4107 Capora Way
Round Rock, TX 78681-2484

Steve Henriksen and Sharon Henriksen
22617 Rainbow Connection Skyway
Spicewood, TX 78669-3318

Steven Bricker
6404 Camille Ct
Leander, TX 78645

Sumitomo Mitsui Finance and Leasing Co. Ltd
666 Third Avenue, 8th FL.
New York, NY 10017-4033

Sumitomo Mitsui Finance and Leasing Co. Ltd.
c/o Kye Law Group, P.C.
201 Old Country Road, Suite 120
Melville, NY 11747-2725

Tazeen and Mohammed Dhedi
1011 Placid Creek Court
Round Rock, TX 78665-1188

Tazeen and Mohammed Dhedi
c/o Shannon E. Loyd
The Loyd Law Firm, PLLC
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493

Terri White & Rex White
5117 Bandera Creek Trail
Austin, TX 78735-6461

Terri Zagurasky & John Zagurasky
5901 Antelope Well Ln.
Austin, TX 78738-4416

(p) TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

Texas Department of Transportation
12719 Burnet Road
Austin, TN 78727-4207

Texas Enterprises. Inc. dba Allied Sales Com
5005 E 7th Street
Austin, TX 78702-5022

Texas Lehigh Cement Company, LP
P.O. Box 610
Buda, TX 78610-0610

Texas Lehigh Cement Company, LP
P.O. Box 736821
Dallas, TX 75373-6821

Texas Luxury Outdoors
PO Box 427
Spicewood, TX 78669-0427

Texas Luxury Outdoors
c/o Sandra K. Jones, Registered Agent
121 Spur 121, Unit 427
Spicewood, TX 78669

The County of Williamson, Texas
c/o McCreary, Veselka, Bragg & Allen
P.O. Box 1269
Round Rock, TX 78680-1269

The Huntington National Bank
11100 Wayzata Boulevard, Suite 700
Minnetonka, MN 55305-5523

The J.D. Wilson Law Firm, PLLC
Attn: Joshua Denson Wilson
1000 Heritage Center Cir
Round Rock, TX 78664-4463

The Loyd Law Firm, PLLC
Attn: Shannon E. Loyd, Esq.
12703 Spectrum Drive, Suite 201
San Antonio, TX 78249-3493

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The Morales Firm, P.C.
Attn: Chuck Shipman
6243 W. Interstate 10, Suite 132
San Antonio, TX 78201-2006

Thompson Residential Pool
409 River Chase Blvd.
Georgetown, TX 78628-5300

Tim Beecham
18209 Wind Valley Way
Pflugerville, TX 78660-4083

| | | |
|--|---|---|
| Todd Cox 1128 Farm Rd 1690 Lampasas, TX 76550 | Todd Smith and Tina Smith 4711 Waterworks Belton, TX 76513-4933 | Trans Lease, Inc. c/o Jessica Alt 100 Throckmorton Street, Suite 700 Fort Worth, TX 76102-2837 |
| Trans Lease, Inc. c/o Matthew Fronda Padfield & Stout, LLC 420 Throckmorton St, Ste 1210 Fort Worth, TX 76102-3792 | TransLease, Inc. 1400 W 62nd Ave Denver, TX 80221-2400 | TransLease, Inc. P.O. Box 211397 Denver, CO 80221-0392 |
| Travis Kieke 429 Doe Run Georgetown, TX 78628-9642 | Trusted Tax Services 14425 Falcon Head Blvd Austin, TX 78738-4412 | Trusted Tax Services P.O. Box 92828 Austin, TX 78709-2828 |
| Tucker Ferguson 109 Norcia Loop Liberty Hill, TX 78642-4449 | United States Attorney General Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0009 | United States Trustee - AU12 United States Trustee 903 San Jacinto Blvd, Suite 230 Austin, TX 78701-2450 |
| Vaseem Syed & Asra Syed 4408 Sansone Drive Round Rock, TX 78665-1514 | Vernon and Rose Wheeler 511 San Gabriel Dr Liberty Hill, TX 78642-5749 | WEX Inc. 1 Hancock Drive Portland, ME 04101-4217 |
| WW Air Compressor 402 Burleson St Smithville, TX 78957-1547 | WW Air Compressors LLC 402 Burleson ST Smithville, TX 78957-1547 | Walters Balido & Crain Attn: Jerry Ewing 10440 North Central Expressway, Suite 1500 Dallas, TX 75231-2299 |
| Waterview Custom Pools, LLC c/o United States Corporation Agents, In 9900 Spectrum Drive Austin, TX 78717-4555 | Waterview Pools, Inc. Attn: John Cody McFayden 13313 Kinder Pass Austin, TX 78727-3415 | Wenholz Dow, P.C. c/o David C. Wenholz 9433 Bee Caves Rd., Ste. 1-200 Austin, TX 78733-6138 |
| Westbrook Residential Pool 812 Silver Trail Round Rock, TX 78664-4043 | Ziebert 2103 Raleigh Avenue Austin, TX 78703-2127 | Todd Brice Headden Hayward PLLC 7600 Burnet Road Suite 530 Austin, TX 78757-1269 |

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Ascentium Capital
23970 Hwy 59 North
Kingwood, TX 77339-1535

IPFS Corporation 17
P.O. Box 730223
Dallas, TX 75373-0223

Penn Credit Corporation
2800 Commerce Drive
Harrisburg, PA 17110

(d)Penn Credit Corporation
P.O. Box 69703
Harrisburg, PA 17106-9703

Texas Comptroller of Public Accounts
Revenue Accounting Division - Bankruptcy
P.O. Box 13528
Capital Station Austin, TX 78711

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Sumitomo Mitsui Finance and Leasing Co. Lt
666 Third Avenue, 8th Floor
New York, NY 10017-4033

| | |
|---------------------|-----|
| End of Label Matrix | |
| Mailable recipients | 356 |
| Bypassed recipients | 1 |
| Total | 357 |